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OFFICE OF PETITIONS

In re Application of
Kia Silverbrook
Application No. 10/760,204
Filed: January 21, 2004
Attorney Docket No. RRA19US

ON PETITION

This is a decision on the "Petition To Withdraw Abandonment", filed May 1, 2007 under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

A Final Office Action was mailed August 14, 2006 which set a three month period for response. A response filed September 17, 2006 did not place the application in condition for allowance and thus, on October 2, 2006, an Advisory Action was mailed. The period for reply continued to run from the mailing date of the August 14, 2006 Final Office Action. No response having been filed, the instant application became abandoned November 15, 2006 and a Notice of Abandonment was mailed on April 23, 2007.

Petitioners argue that an RCE, in response to the Final Office Action and the Advisory Action was filed October 20, 2006.

A search of the application file and the USPTO records reveals that in fact, the RCE and request to treat the previously filed amendment, with the proper fees, was timely filed on October 20, 2006 and is of record.

Accordingly, the response was timely and the Notice of Abandonment mailed April 23, 2007 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2853 for processing the RCE filed October 20, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions